

CHAPTER I. GENERAL INFORMATION

WELCOME TO THE NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM!

The Health and Human Services System (HHS System) has a workforce of almost 6,000 employees, yet each employee and each job is equally important. We depend on our employees to do their best so that all people in Nebraska are effectively served.

As an employee of the HHS System, you help ensure the success of programs. Your individual job is an integral part of the HHS System, you can make substantial contributions. Keep in mind the importance of the functions of other programs, offices and facilities within the HHS System and work in cooperation with them.

This handbook is intended as a general guide. It highlights significant rules and regulations related to state employment. It also provides you with information regarding professional conduct, compensation and benefits, as well as other policies and procedures.

Certain HHS System employees are included in collective bargaining units and, as such, may have provisions that differ from those in this handbook covering salary, benefits and other terms and conditions of employment. In cases where there is a discrepancy, the collective bargaining agreement prevails. To find out if you are covered by a collective bargaining agreement, check with your supervisor or a Human Resources representative.

You are responsible for acquainting yourself with the guidelines in this handbook, rules, regulations, and internal processes that apply specifically to your work. You may need to refer to the HHS System Human Resources Policies and Procedures Manual, a collective bargaining agreement, or other rules and regulations for more specific information about these policies or those related specifically to your job.

If you have any questions or concerns about the information in this handbook, please contact your supervisor or a Human Resources representative. Welcome to the Nebraska Health and Human Services System!

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NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

MISSION: WE HELP PEOPLE LIVE BETTER LIVES THROUGH EFFECTIVE HEALTH AND HUMAN SERVICES.

SLOGAN: HELPING PEOPLE LIVE BETTER LIVES.

The Five Cs, which serve as HHS System culture principles, are:

Communication

What we mean: Communication means keeping people informed; listening actively; being open and accessible; and ensuring we are accurate, timely, and complete in all we say and write.

The results we want: Our customers, the people we work with and the public, see us as open and honest in our communication, believe that we hear and understand what they say, and view us as a source of valid and reliable information that is easily accessible.

Cooperation

What we mean: Cooperation means a willingness to work with others in good faith; assisting them and accepting assistance from them.

The results we want: Our customers and the people we work with join us in seeking solutions and improvements.

Collaboration

What we mean: Collaboration means a willingness and ability to work together with others as equals in the pursuit of common goals.

The results we want: Our customers and the people we work with trust that we will work with them as partners in the pursuit of common goals.

Customer Service

What we mean: Customer Service means responding to our customers in a respectful, timely, and effective manner.

The results we want: Our customers know we value them and are considerate of their needs.

Confidence

What we mean: Confidence means reliance on us to do our jobs effectively and efficiently with integrity and fairness.

The results we want: Our customers, the people we work with and the public, learn that we do our jobs with commitment, professionalism, efficiency, and through accountable programs and accurate systems.

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CODE OF CONDUCT

Service/Professional Conduct

HHS System employees will implement all roles, relationships, and responsibilities of employment in a professional manner. All persons are entitled to expect HHS System employees to be honest, trustworthy and respectful, and to take responsibility for upholding these standards of behavior. HHS System employees measure their actions using these standards:

HHS System employees shall maintain professional standards:

- ◇ HHS System employees demonstrate only proper and unbiased involvement with customers. Inappropriate personal relationships with clients/patients are prohibited.
- ◇ HHS System employees' personal appearances and workplaces portray professional standards.
- ◇ HHS System employees maintain constructive oral and written communication with customers, the public, other professionals and other staff.
- ◇ HHS System employees work to achieve and maintain proficiency at assigned duties.

HHS System employees shall uphold the highest level of integrity and impartiality:

- ◇ HHS System employees ensure that personal relationships do not influence professional decisions, and avoid even the appearance of impropriety, bias, or conflict of interest.
- ◇ HHS System employees immediately report to supervisors any situation where a conflict of interest could be perceived.
- ◇ HHS System employees abide by state and federal laws and by the rules and regulations which cover their employment.
- ◇ HHS System employees immediately report any information which could impact an individual case, contract, or other HHS System business.
- ◇ HHS System employees understand that all work products developed on work time belongs to the HHS System, and will not accept any outside financial gain or benefit.

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Expectations of Employee Attendance

Absenteeism and lateness detract from our ability to carry out the mission and cause an undue burden, as well as morale issues, for those employees who must fill in for absent or tardy employees. Regular, predictable attendance is an essential function of each job in the HHS System. It is your responsibility to report to work promptly, as scheduled. Tardiness and unexcused absences may impact on your transfer or promotion opportunities and may result in loss of pay or disciplinary action.

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EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION STATEMENT

The Nebraska HHS System is dedicated to creating and sustaining a unified, accessible, caring and competent health and human service entity. This dedication translates into an understanding that all persons are entitled to work and advance on the basis of qualifications and competence, to be treated with dignity and respect, and to be free from discrimination on the basis of race, religion, national origin, disability, color, sex, age or marital status. Equal Employment Opportunity and Affirmative Action will be integral parts of our daily operations.

We are committed to providing equal opportunity and equal treatment in all terms and conditions of employment. We will remain open to examining our policies and procedures to prevent discrimination.

Our Affirmative Action process is an extension of our equal employment opportunity commitment. This process is a means by which we can measure, analyze, evaluate, and improve our efforts to develop a work force which is representative of the larger work force available in the state of Nebraska. We will use a variety of tools to recruit, select, promote and support an employee population that reflects the communities in which they work.

Each employee regardless of title is expected to make a good faith effort to carry out this understanding and demonstrate appropriate behavior. Disparaging remarks, actions or materials making reference to race, religion, national origin, disability, color, sex, age or marital status will not be tolerated. New employees will receive a copy of this statement, as one step in confirming the significance these values have in the workplace.

The Nebraska HHS System is committed to a future that is inclusive of all who can provide the knowledge, skills, abilities, ideas and efforts needed to make our vision a reality.

EQUITY AND DIVERSITY

We recognize, encourage, utilize, and value people's similarities and differences to carry out our mission to *help people live better lives*. Therefore, all employees are expected to incorporate the HHS System Diversity Policy as an integral and visible way we do our work. Specifically, we expect that each employee will:

- ◇ Treat all people with respect and dignity.
- ◇ Foster a culture that invites and values the rich diversity among our employees and the people we serve.

Under the direction of the Policy Cabinet Secretary, the Administrator for Equity and Diversity will provide the leadership for the development and implementation of the Health and Human Services System's equity and diversity programs and activities. Adherence to the HHS System Diversity Policy is a part of the overall basis for evaluating the performance of administrators, managers, and supervisors. The leadership of the HHS System will enforce the principles set forth in this policy in appropriate ways and in a timely manner.

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Policy Implementation

The Nebraska Health and Human Service System's Policy Cabinet established the position of the Administrator of Equity and Diversity. The Administrator of Equity and Diversity reports directly to the Policy Secretary and is responsible for the development and implementation of a diversity strategy to promote cultural awareness, appreciation and competence in the workplace. The primary role of the Administrator for Equity and Diversity is educational.

WORK PLACE HARASSMENT AND DISCRIMINATION POLICY

It is hereby declared to be the policy of the state of Nebraska and the HHS System that all women and men are to be treated fairly and equally, with dignity and respect. Any form of work place harassment or discrimination is contrary to this Policy and shall be regarded as discrimination on the basis of race, color, religion, age, sex, disability or national origin. It shall be considered a violation of this Policy for any employee to engage in work place harassment of any employee or recipient of the HHS System's services. For the purpose of this Policy, the term "agency" shall mean each department, agency, office, board, commission and committee of the state of Nebraska, which either: (1) is under the executive authority of the Governor, or (2) voluntarily elects to participate in the Affirmative Action Plan of the state of Nebraska.

The HHS System is obligated to eliminate all forms of discrimination in the work place and shall take immediate and appropriate action to investigate all instances of alleged work place harassment. In the event that any allegation of work place harassment is substantiated, the agency involved shall take prompt corrective action including, where appropriate, disciplinary action imposed pursuant to Chapter 13 of the state of Nebraska HHS System Policies and such other policies, rules or regulations as may apply.

Work Place Harassment Defined

For the purpose of this policy, "work place harassment" shall be defined as sexual harassment or any inflammatory comments, jokes, printed material and/or innuendo based, in whole or in part, on race, color, religion, age, sex, disability or national origin when:

- ◇ Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment; or
- ◇ Such conduct interferes unreasonably with a person's work or employment opportunities.

Sexual Harassment Defined

For the purpose of this policy, "sexual harassment" shall be defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, when:

- ◇ Submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment or a condition to receipt of services, by a recipient of the agency's services; or
- ◇ Submission to or rejection of such conduct by an individual is used as the basis for employment or agency decisions affecting an employee or a recipient of the agency's services; or

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- ◇ Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or the receipt of services by a recipient of the agency's services, or of creating an intimidating, hostile or offensive environment.

Examples of Sexual Harassment

Sexual harassment may include, but is not limited to such actions as any form of inflammatory comments, jokes, kidding, printed material and/or innuendo; subtle pressure for sexual activity; physical contact such as patting, pinching, or brushing against another's body; and demands for sexual favors, accompanied by implied or overt promises or preferential treatment or threats concerning an individual's employment status.

Directives to Supervisors

Work place harassment can and does create a negative work environment which affects productivity, efficiency, work attendance, and turnover in staff. In addition, allegations of such harassment which are not appropriately responded to place both the HHS System and the state of Nebraska in a position of potential liability to the victim of harassment. Therefore, each member of management is expected to carry out this policy within his/her area of responsibility. All supervisors must report any complaint alleging work place harassment or any unreported inappropriate behavior that the supervisor observes to the HHS System's Human Resources Representative, who must report this information to the Agency Head. This report will be provided in writing to the HHS System's AA/EEO designee within five working days of the alleged incident(s). Failure to do so will be considered a violation of this policy and will be just cause for corrective or disciplinary action.

Any supervisor receiving a complaint alleging work place harassment will also be obligated to immediately notify the complainant of his/her rights concerning the pursuit of such allegations by giving the complainant a copy of the policy. Complainants and other persons involved in the investigation will not be subjected to retaliation, coercion, intimidation, or fear of reprisal. Since investigations of alleged work place harassment are personnel matters, person involved shall maintain appropriate confidentiality. Information concerning a complaint will not be released to anyone who is not a party to or involved in the investigation.

All complaints will be handled in a timely and confidential manner. Information concerning a complaint will not be released to anyone who is not a party to or involved in the investigation. Complainants and other persons involved in the investigation of an allegation of work place harassment will not be subjected to retaliation, coercion or intimidation, or fear of reprisal. Such actions, in addition to any employee breaching confidentiality on information obtained as a result of a work place harassment complaint, are subject to disciplinary action.

Rights of Complainants

In the event that any employee of the HHS System, or recipient of programs or services provided by the HHS System, believes that s/he has been or is being subjected to work place harassment, that person has the right to report the alleged work place harassment to the HHS System Affirmative Action and Equal Employment Opportunity (AA/EEO) designee for prompt investigation.

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Any employee or recipient who believes that s/he is being subjected to such harassment is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

If the aggrieved person does not wish to communicate directly with the offending person or persons, or if the direct communication is not effective, then the aggrieved person is encouraged to immediately report the alleged work place harassment to his/her supervisor or chain of command, the AA/EEO designee, Human Resources Manager, or Human Resources Administrator.

In reporting allegations of work place harassment, complainants should take care to state specific details, including, wherever practical, the identity of the person or persons alleged to have committed the work place harassment, the date, time and place of the alleged harassment, what was done or said, and the identity of any witnesses who were present. These reports will be put in writing by management if the complainant does not submit a written report. Upon completion of the investigation, the complainant will receive a written report of whether corrective action was taken.

If the complainant is dissatisfied with the HHS System's response to the complaint, s/he may contact the state Affirmative Action Office for the purpose of asking that office to conduct an independent investigation of the allegation of work place harassment. Written correspondence should be directed to the: Administrator for Affirmative Action, Affirmative Action Office, P.O. Box 94905, Lincoln, NE 68509-4905.

Employees who wish to report allegations of work place harassment also have a right, at any time, to file a complaint of work place harassment with the Nebraska Equal Opportunity Commission (NEOC) and/or the Federal Equal Employment Opportunity Commission (EEOC). Any aggrieved person who is uncertain how to report complaints of alleged work place harassment may contact the state Affirmative Action Office (402-471-3678), the Commission on the Status of Women (402-471-3039), the Nebraska Equal Opportunity Commission (402-471-2024) or the state Ombudsman (402-471-2035) for assistance. An employee is not required to file a charge of work place harassment with the HHS System before filing a formal complaint with an external source. It is also possible to file a complaint with the HHS System simultaneously with an outside source. It should be noted that charges of work place harassment must be filed within certain time limits.

An employee who has been accused of work place harassment will be notified of the accusation after an initial assessment but before a full investigation. An initial assessment is defined as preliminary fact gathering, and may include interviewing possible witnesses.

A work place harassment complaint will be held in the strictest confidence. Employees who have been accused of work place harassment will be allowed to respond to allegations before the conclusion or resolution of the matter.

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Notification

All employees are to receive a copy and explanation of this policy at the time of hire. All employees will be required to sign an acknowledgment of receiving this information.

DISABILITIES AND ACCOMMODATIONS

State and federal law prohibits discrimination against people with disabilities in every aspect of employment. Discrimination in employment actions include recruitment, selection, hiring, separations, job related reasonable accommodations and any other terms, conditions and/or privileges of employment.

Reasonable Accommodation Guidelines

The HHS System has a responsibility to provide reasonable accommodation to allow otherwise qualified persons with disabilities to participate in our workforce. This accommodation must be provided unless doing so would create an undue hardship for the HHS System.

Disability

An employee may be considered to have a disability if the employee has a physical or mental impairment that substantially limits one or more major life activities, if the employee has a record of such impairment, or if the employee is regarded as having such an impairment. Major life activities include things such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working. Employees who experience disabilities are protected from discrimination. In addition, discrimination against an employee on the basis of association with a person who experiences a disability is prohibited.

Request

An employee may request an accommodation at any time. HHSS may ask for information supporting the request from the employee's physician or another appropriate source. If information is requested, the supervisor shall discuss this with the employee in advance and provide the employee with a copy of any letter sent to a physician or another appropriate source.

DRUG FREE WORK PLACE POLICY

The HHS System supports the Drug Free Work Place Act of 1988 and unequivocally endorses the philosophy that the work place should be free from the detrimental effects of illicit drugs.

It is the policy of the HHS System that unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of a controlled substance or alcohol in the work place is prohibited. Any employee who violates this policy will be subject to discipline up to and including dismissal, referred to a law enforcement agency, and/or may be required to successfully complete an approved drug abuse program sponsored by a private or governmental institution.

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The term “controlled substance” means any drug listed in 21 U.S.C. 812 and other federal regulations. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and crack. They also include legal drugs which are not prescribed for the person using them.

Employees may be subject to drug and alcohol testing in conformance with Chapter 48, Article 19 of the Revised Statutes of Nebraska when there is reasonable cause to believe the employee is using or under the influence of a controlled substance or alcohol while on duty or on work premises. Reasonable cause includes, but is not limited to, observable signs of intoxication (such as bloodshot eyes, slurred speech, or unsteady movement); a work-related accident or near accident which indicates employee fault; or credible information received from a reliable person with first-hand knowledge (except that the uncorroborated statements of inmates/patients/students is not reasonable cause.) A positive test result which has been confirmed in compliance with Chapter 48, Section 1903 of the Revised Statutes of Nebraska may result in disciplinary action in conformance with the applicable collective bargaining agreement, state statutes, regulations, or rules.

An employee of the HHS System is required by the Drug Free Work Place Act of 1988 to inform the agency within five (5) days after being convicted for violation of any federal or state drug offense criminal statutes, where violation occurred while on the work premises or while the employee was representing the HHS System in an official capacity. A conviction means a finding of guilt, including a plea of nolo contendere (no contest), or the imposition of a sentence by a judge or jury in any federal or state court.

The Drug Free Work Place Act of 1988 specifies that the agency head or designee of the HHS System must notify the U.S. Government agency from which any funding is received, either through contract or grant, within ten days after receiving notice from an employee or otherwise receiving actual notice of a conviction.

Any contractor/vendor doing business with the HHS System must have on file a written drug free work place policy with the state Purchasing Department. A contractor/vendor's failure to comply with this policy will result in violation of the contract and/or removal from the state Vendor List.

Procedures

All employees will receive a copy of this policy at the time of hire, and will sign an acknowledgment of receiving the information.

All employees will receive drug abuse awareness training as part of the in-service training. This training shall include:

- Information on specific drugs and the effects of drug abuse;
- A definition of drug abuse;
- Dangers of drug abuse in the work place;
- Availability of counseling and treatment services; and
- Disciplinary actions which may be imposed on employees for violations of this policy.

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Reasons for Imposing Disciplinary Action

Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcoholic beverage in the workplace, or reporting for duty under the influence of alcohol and/or unlawful drugs will constitute reason for imposing disciplinary action.

CONFIDENTIALITY

Public Records and Confidentiality

State law provides that records which the agency has are available for review unless another law expressly provides that the record is not public. Employees shall know the state and federal laws and regulations governing the release of records to which they have access on a routine basis as part of their work assignments. Employees shall know the internal agency process for access to and security of such records.

Employees shall comply with those laws, regulations, and internal processes in providing access to public records and maintaining the confidentiality of the records.

Employees who have access to confidential records through interagency agreements or similar sharing arrangements shall comply with the conditions under which access to the confidential information is permitted.

Employees who gain access to a record, or information from a record, which has been designated by law or regulation as confidential, whether as part of their regular job duties or by accident, may not further share that information with anyone other than those people within the agency who have the right to know this information.

Release of Information

If a HHS System employee appears before a legislative committee, the courts, the Parole Board, Pardons Board or any other administrative or judicial body, the employee shall not purport to speak on behalf of the HHS System, unless so authorized by the agency director or designee.

There may be some situations when information may be released to individuals who normally do not have access to the HHS System's confidential records and information. Refer to your supervisor, program manuals, a Legal Services representative and/or a Communications and Legislative Services representative for further information and direction.

USE OF STATE PROPERTY

No employee shall use state property or time for their own personal use or benefit. Therefore, HHS System employees must go outside the work area for such things as postage, photocopies, computer use, sending and receiving faxes, or any other personal business. Personal business shall be conducted on an employee's own time, either on breaks or non-work hours.

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All employees must take every precaution to see that waste is avoided and that care is exercised at all times to ensure that employees and volunteers properly care for state property.

Telephone Usage

The HHS System's telephones are provided for the conducting of state business. The HHS System's telephones may be used for essential personal business as long as no costs are charged to the state, the use does not interfere with state business and the use is kept to a minimum.

Essential personal business is defined as local or long distance calls to children at home, teachers, doctors, day care centers and baby sitters to inform family members of unexpected schedule changes or other essential personal business. Essential personal long distance calls shall be either collect, charged to a third-party, non-state number, or charged to a personal credit card.

Calling Cards

AT & T calling cards may be issued through the Division of Support Services.

Cellular Telephones and 800 Numbers

The state provides cellular telephones to agency personnel to utilize in the performance of their official state duties when deemed necessary. Employees are not permitted to make or receive personal calls on state cellular phones or "800" numbers unless it is of an emergency nature. Each emergency situation will be evaluated on a case by case basis by your supervisor. An example of an emergency situation would be to notify someone that your trip has been extended and you will not be returning at the time previously scheduled. Occasionally, an employee will make work related cellular calls on their personal cellular telephone and request reimbursement.

Employees operating state vehicles will use extreme caution if it is necessary to use a cell phone while operating a motor vehicle.

(Refer to the HHS System Human Resources Policies and Procedures and/or the Nebraska Accounting System (NAS) Manual for specific information about reimbursement variables.)

Computer Usage

All communications, sent or received via computer functions, are the property of the HHS System and are subject to being retrieved and viewed by authorized administrators at any time. The information is generally retrievable even after the sender or receiver has erased it from the file. These are tools for your work and should only be used for work-related activities. Only software owned/licensed and distributed by the HHS System using the standard software distribution methods in place and operated by IS&T will be authorized for use by HHS System staff. Software not distributed in this fashion will be removed from the PC with no requirement to notify the user. User computer identification numbers and passwords shall not be "loaned" to anyone in the agency or outside the agency without supervisory approval. It is against state policy to use state equipment for unauthorized personal use. For further information regarding the information technology policies and procedures, please refer to www2.hhs.state.ne.us.

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Computer Assets

Employees of the HHS System shall report lost or suspected theft of all computer equipment or other property including computer software to appropriate IS&T inventory management personnel. Note that copying computer software from a HHS System computer and placing it on a home PC is theft.

To prevent unauthorized losses, all moves of computer equipment shall require prior written approval of inventory coordinators in the IS&T inventory management personnel so the location can be maintained on the Computer Inventory System.

Staff of the HHS System are responsible for reporting damaged computer equipment to appropriate managers. For items management elects to replace or remove, disposal shall involve the IS&T inventory management personnel, Support Services and the Department of Administrative Services as required by statute.

No computer, hardware or software should be destroyed or discarded without approval from the IS&T inventory management personnel and Support Services, who will work with the Department of Administrative Services.

Other Assets

Property other than computer equipment that is lost or suspected stolen should be reported to Support Services. All moves of equipment (outside the work unit) shall require prior written approval of inventory coordinators in Support Services so the location can be maintained on the statewide inventory system. Damaged equipment must be reported to appropriate managers. Replacement, removal, or disposal of equipment shall involve Support Services and the Department of Administrative Services as required by statute.

USE AND OPERATION OF STATE MOTOR VEHICLES

Driving Policy for State Business

The HHS System has a responsibility to the public to allow only employees with driving records indicating a pattern of safe driving practices to operate a motor vehicle on state business. It is the policy of the HHS System to ensure that when our employees drive a motor vehicle on state business, they do so legally, safely and defensively.

(Refer to Chapter 15, 019 of the HHS System Human Resources Policies and Procedures Manual and the Department of Administrative Services Transportation Services Bureau (DAS TSB) Rules and Regulations for additional information on driving vehicles for state business.)

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Employees Driving on State Business on a Regular or Occasional Basis

The supervisor or Human Resources representative will verify that the employee has a valid driver's license from his/her domicile state. If the employee will be driving a personal vehicle on state business, proof of required liability insurance will also be verified. Employees who drive on state business are required to successfully complete an approved defensive driving course within six months of their employment or notification of this policy. State rules and regulations require that every state employee authorized to drive a state-owned vehicle shall also have a state of Nebraska identification card registered with the Department of Administrative Services, Transportation Services Bureau.

The HHS System periodically reviews the license status and driving record of employees assigned an ID card. The assessment of six or more points in the preceding 24 months on a driving record is the indicator for an in-depth review. State rules and regulations require that each employee sign an affidavit that they have read the Transportation Services Bureau Policies and Procedures Manual before operating a state-owned vehicle (NAC Title 8, Ch 1, Sec 003.).

Employees shall comply with applicable driver's licensing laws and shall also notify the agency if they are experiencing a medical condition or are using medication that would interfere with the safe operation of a motor vehicle. If a medical condition appears to be interfering with an employee's safe operation of a motor vehicle, the agency shall request a medical release from the employee's physician indicating whether the employee is medically capable of driving as part of their job duties.

Responsibilities of Employees who Drive on State Business

Any employee failing to meet the responsibilities described within this policy and the Department of Administration Services, Transportation Services Bureau Rules and Regulations shall be subject to corrective personnel action and may be subject to disciplinary action up to and including dismissal.

Reporting of Citations

Employees shall notify their supervisor by the beginning of the next shift any time a citation for either of the following serious moving violations occurs, whether on state or personal time or whether in a state or personal motor vehicle: 1) motor vehicle homicide or 2) driving under the influence. Employees shall report all citations for moving violations received while on state business no later than the first working day following the citation to their supervisor. State rules and regulations require that the Department of Administrative Services, Transportation Services Bureau be notified if a ticketed violation is being contested. Employees shall notify their supervisor immediately if their driver's license is suspended, is revoked, or becomes invalid.

- ◇ HHS System employees may not operate a state vehicle or a personal vehicle being used for state business under the influence of drugs or alcohol.

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Travel Records

Employees shall complete in detail the state vehicle official travel logs (TSB-4) and personal vehicle usage records with date, locations traveled from and to, purpose of the trip, start and stop times of the trip, actual miles traveled and signature.

State Vehicle Condition

At the end of a trip, employees shall fill a state vehicle with gasohol if the tank is less than half full. State vehicles should be washed (basic or state rate) as needed and charged to Transportation Services Bureau on the Voyager card along with gasohol, oil or other fluids. Employees shall report any state vehicle defects or accidents to the individual who assigned the vehicle. The parking location must be noted correctly when returning keys to agency pools. Vehicles shall be vacuumed at agency expense.

Seat Belt Policy

All employees must use seat belts when riding in or driving a state car or personal car while on official state business. Failure to use seat belts is considered a misuse of a vehicle and may result in revocation of the state of Nebraska identification card authorized by the Transportation Service Bureau, repeating the Defensive Driving course and employee counseling. Repeated misuse of a vehicle may result in disciplinary action.

Child Restraint Policy

Employees transporting children on behalf of the agency shall, as required by State law, observe the following requirements to ensure the safety of the child.

- ◇ The rear seat of a vehicle is the safest place for children of any age to ride.
- ◇ Children age twelve and under are to be placed in the rear seat of a vehicle.
- ◇ Children under age five and weighing less than 40 pounds must ride correctly secured in a federally-approved child safety seat.
- ◇ Applies to all seating positions in the vehicle.
- ◇ Children under the age of sixteen and weighing 40 pounds or more are required to ride secured in a safety belt or child safety seat in all seating positions.

Whenever a physician licensed to practice medicine in Nebraska determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition or other medical reason, the provisions of the requirement shall be waived. The employee transporting the child shall carry such statement with them during the transport.

Use of Headphones, Cell Phones or Radar Detectors in State Vehicles

These policies are issued as safety measures for state employees and to ensure the compliance with applicable laws during the operation of state owned motor vehicles.

- ◇ State employees are not allowed to use portable radar detectors while operating state owned motor vehicles.
- ◇ Employees operating state vehicles will use extreme caution if it is necessary to use a cell phone while operating a motor vehicle.
- ◇ State employees shall not wear portable radio headphones while operating state owned motor vehicles.

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Other Rules

These policies are in addition to and do not replace responsibilities for vehicle operation issued by Department of Motor Vehicles, Nebraska State Patrol, the Department of Roads, the Office of Risk Management, and the Department of Education (school bus operation) and other sources.

NO SMOKING POLICY

Smoking is prohibited in any state owned, leased or occupied building and includes all vehicles owned or leased by the state. This no smoking policy applies seven days a week and twenty-four hours a day. Employees who violate the established policy may be subject to disciplinary action

CHAPTER III. SELECTION AND PERFORMANCE

SELECTION

Vacancy Announcements

Vacant positions will be posted for a minimum of seven calendar days on the HHS System Job Mart. A selection team may choose to advertise a vacant position internally and externally at the same time. In the HHS System, positions eligible for a non-competitive Work Reassignment Opportunity (WRO) will be announced as allowed in the NAPE/AFSCME collective bargaining agreement.

Interviews

Employees interviewing for positions within the HHS System will be allowed up to two hours of work time to interview. This time will be granted only if the time involved cuts across the employee's normal work hours. Interviewing time beyond the employee's normal work hours will not be counted as work time and will not be compensated. With supervisory approval, the employee may use leave to extend the time needed for the internal interview beyond the allowed two hours of work time. Travel to and from the interview site is the responsibility of the employee and no travel expenses will be reimbursed.

PROBATIONARY PERIOD

The probationary period is part of the selection process. It is a time for you to adjust to your new position in the HHS System and for your supervisor to determine your ability to satisfactorily perform assigned duties and responsibilities.

Original Probation

You will serve an original probation for the first six months of your permanent employment with the state of Nebraska. In some instances, your probation may be extended to a maximum of twelve months for reasons of performance, attendance, absence, transfer (promotion, lateral move or move to a position of a lower salary grade). In such instances, the supervisor will issue a written notification of the extension prior to the conclusion of the employee's original probationary period. In cases of extension for performance reasons, the employee will be provided specific performance improvement requirements. During an original probation an employee may be dismissed without two weeks notice. Normally, such a dismissal merely indicates the employee was not suited to that particular job, and does not necessarily limit other employment with the state. Employees on original probation do not have grievance rights.

Transfer Probationary Periods

In the case of personnel actions (promotion, lateral move or move to a position of a lower salary grade) employees may be required by the agency head to serve a probationary period (**note:** this is not another original probationary period). This probationary period in no way affects the grievance rights of an employee. If the employee does not perform satisfactorily in the class to which s/he was transferred, the agency head may transfer the employee to another position of either the same salary grade or a lower salary grade. If no other position is available for transfer, the agency head may reassign the duties of the employee, reclassify the employee to a classification of a lower salary grade, or dismiss the employee.

CHAPTER III. SELECTION AND PERFORMANCE

PERFORMANCE MANAGEMENT PROCESS

Performance evaluations are designed to provide a channel of communication between you and your supervisor(s). The report will help you understand your supervisor's expectations by giving you a measurement of how well your performance meets those expectations.

Performance evaluations are made after completion of the original probationary period and on occasions when your supervisor(s) desires to record performance worthy of recognition, either favorable or unfavorable.

You must sign the report after reading it. Your signature, however, merely indicates that you have read the report, and not that you necessarily agree with the evaluation. If you feel that you have received an unfavorable evaluation, you may submit a statement within 30 days indicating such disagreement to be filed with the report. However, performance evaluations are not grievable.

Performance reports become part of your personnel file with the HHS System and may be examined by you at any time during normal business hours.

CHAPTER IV. GENERAL EMPLOYEE INFORMATION

WORK WEEK

The HHS System's office hours are normally from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, unless an exception is authorized. The HHS System's direct care facilities must be staffed twenty-four hours a day for seven days a week.

Flex-Time

Flex time is an established work schedule that varies from the normal shift required for full-time employees. Flex-time is a privilege that may be granted where the conditions of work permit, but may be withdrawn for managerial reasons or when the privilege is abused.

- ◇ Employees who work shifts in a 24-hour facility who choose to work more than eight hours a day must sign an Alternative Work Schedule Waiver to be eligible for flex-time.
- ◇ Employees may need to adjust their workweek or use leave during weeks with a holiday to account for 40 hours. Each holiday is equivalent to eight hours.

Adjusted Time

Adjusted time is the adjustment of a regular or flex-time schedule during a specified work week. Adjusted time must be authorized in advance and does not change the employee's established regular or flex-time schedule.

Rest Periods

All employees shall be granted a fifteen minute rest period during each one-half shift (one half shift shall not be less than four hours). The rest period shall be scheduled at approximately the middle of each one-half shift. The HHS System retains the right to respond to emergency situations by not allowing a rest period. Rest periods shall not be cumulative. Unless prior supervisory approval is given, rest periods shall not be taken before one hour after the employee arrives at work, nor one hour before the employee leaves work. Rest periods are considered work time.

Meal Periods

Employees must take at least a one-half hour unpaid lunch break midway through their daily work schedule. At the discretion of the HHS System, a paid meal period shall be granted where qualified relief is not available. Where practicable, your supervisor will attempt to schedule the meal period at approximately the middle of each shift. Requests to adjust the schedule for a day which allows employees to work through a meal period may be approved in advance with mutual agreement between the work site supervisor and the employee.

EMPLOYEE DRESS

All HHS System employees will maintain a high standard of personal appearance and grooming. The clothing worn on the job should reflect the requirements of the job and working conditions. Supervisors have the responsibility and authority to determine what attire reflects the requirements of the job and working conditions. Administrators may provide specific expectations to staff.

CHAPTER IV. GENERAL EMPLOYEE INFORMATION

POLITICAL ACTIVITIES

If your position is partially or entirely funded with federal money, you are covered by the federal Hatch Act and you are barred from being a candidate for a partisan office (offices with candidates identified as being from specific political parties). You may engage in political activities when you are not performing official state duties. You shall not, however, use your position with the state to distribute or receive political favors.

- ◇ You may not display a political poster in your office, nor wear clothing with political slogans/symbols or political buttons while on duty.
- ◇ If you wish to take part in political activities during your normally scheduled work hours, you must arrange for leave (vacation, leave without pay, etc.) to cover the period of authorized absence.
- ◇ If you are elected to an office, and such office presents a conflict of interest with your job or interferes with your scheduled work hours, the agency has the authority to change your terms and conditions of employment, up to and including termination of employment.

LAW VIOLATIONS

As an HHS System employee you are required to report, in writing, any arrest or apprehension for law violations, including minor traffic offenses, to your immediate supervisor.

(Refer to Chapter II, Use and Operation of State Motor Vehicles, in this handbook for "Reporting of Citations" of moving violations.)

EMPLOYEE FRAUD

Any employee who believes another employee of the HHS System is committing a fraudulent act with respect to HHS System programs or functions shall provide a written confidential report to the agency head or designee.

CHAPTER V. SECURITY AND SAFETY

OFFICE/FACILITY SECURITY AND SAFETY

Each office/facility in the HHS System has policies that address your safety and security on the job, the security of state property and the safety and security of the people we serve. As a HHS System employee you are expected to keep in your possession and to not loan any keys or access cards that have been issued to you, unless written authorization has been given to you by a supervisor.

CHAPTER VI. PAY INFORMATION

PAY PERIODS AND PAYROLL WARRANTS

Pay Periods

HHS System employees are paid on a bi-weekly or monthly pay cycle. All payroll checks and direct deposit notices are mailed to your home or designated address. It is **critical** you notify your Human Resources Office of any change of address. Deductions for employees paid every two weeks are done in two equal amounts each month. For these bi-weekly paid employees, there are two pay cycles during the year when there are no deductions except for federal and state withholding taxes, Social Security, credit union and retirement contributions.

Employee Earnings Record

Your employee earnings record is attached to your payroll check. This report provides you with a record of salary and deduction information, accumulated leave balance and leave earned/used by pay period and calendar year-to-date. It is your responsibility to check your earnings record for accuracy and you should retain this information for your personal records.

Direct Deposit

Direct deposit of your wages eliminates the risk of a lost or late check and allows access to your money the morning of payday. If your wages are direct deposited, you will still receive an employee earnings record. Contact your Human Resources representative for more information.

CLASSIFICATION AND PAY

You are assigned to a classification and a corresponding salary grade established by the Department of Administrative Services, State Personnel Division. The basic principle of the classification and pay plan is that employees should receive an equitable wage based on comparisons with jobs of similar duties and/or market conditions.

The HHS System may request a review of your classification at any time. You may request an audit of your functions, duties and responsibilities if you believe you are classified incorrectly. Contact your supervisor and a Human Resources representative if you wish to pursue this option.

SERVICE DATE

Your service date is used to determine the amount of vacation and sick leave you earn and your eligibility for participation in the State Employee Retirement System. For most employees, this is the date of hire. This date will be adjusted for a leave of absence more than fourteen consecutive calendar days, any suspensions without pay or for separations of less than five years.

CHAPTER VI. PAY INFORMATION

OVERTIME AND COMPENSATORY TIME

To determine overtime eligibility HHS System employees are divided into two categories:

Non-exempt

Employees eligible for overtime shall receive compensation at one and one-half times their hourly rate in the form of either pay or compensatory time off, at the employee's discretion, for hours worked in excess of 40 hours in any work week or 8 and 80 employees in a hospital, nursing home or establishment for the sick, aged or mentally ill. For most employees working within a direct care facility, overtime compensation is computed at the rate of time and one-half for hours worked in excess of 8 hours per day or 80 hours per two week period. The employer maintains the ability to choose to pay cash at any time for overtime compensation obligations. Check with your supervisor to see if you are on a 40 or an 8 and 80-hour schedule.

Exempt

Employees are not eligible for overtime compensation for work in excess of 40 hours in any work week.

INSURANCE

(Consult your Human Resources representative for more details on insurance coverage, options and cost.)

Life Insurance

Full-time employees, excluding temporaries, of the HHS System receive a \$20,000 Basic Life term insurance policy at no cost to them. Employees who work at least half time and are less than full-time may enroll in the optional Basic Life (\$20,000) but will be required to pay a portion of the state's premium contribution. Optional Life Insurance for employees and dependents is available at the employees' expense.

Your choice for the Optional Basic Life and Optional Life Insurance plans needs to be made within your first 30 days of employment. Coverage becomes effective the first of the month following 30 days of employment.

Health Insurance

State employees who work half-time or more are eligible for medical and hospitalization coverage under a group program. Temporary employees may be eligible for health insurance participation. This coverage can include single, partial or full family coverage. Employees have several plans to choose from and costs differ according to the coverage chosen.

Within your first 30 days of employment, you need to choose which health insurance you want. Coverage begins the first day of the month following 30 days of employment.

When you end your employment with the state, you may be able to continue your health insurance coverage for a period of time. If you choose this option, you will be responsible for the total premium.

Dental Insurance

State employees who work half-time or more and live or work in areas where there are contracting dentists are eligible to enroll in a voluntary dental plan under a group program. Temporary employees may be eligible for dental insurance participation. There is no state contribution for this insurance.

Vision Insurance

State employees, excluding temporaries, who work half-time or more and live or work in areas where there are contracting eye doctors, are eligible to enroll in a voluntary vision insurance plan under a group program. There is no state contribution for this insurance.

Long Term Disability Insurance

State employees who work half-time or more are eligible to enroll in a voluntary long-term disability plan under a group program. Temporary employees may be eligible for long-term disability insurance participation. There is no state contribution for this insurance.

CHAPTER VII. BENEFITS

Long Term Care Insurance

State employees, excluding temporaries, who work half-time or more are eligible to enroll in a voluntary long term care insurance plan under a group program. There is no state contribution for this insurance.

Flexible Spending

State employees, excluding temporaries, may voluntarily elect to set aside an amount from their paychecks which is not taxed. The Department of Administrative Services Employee Benefits Division administers this flexible spending account under Internal Revenue Service Code Section 125. The money that you would set aside in this plan can only be used toward medical and/or dependent care expenses. You may enroll for this benefit annually. Contact your Human Resource representative for more information.

RETIREMENT

The state of Nebraska offers a retirement plan for the purpose of providing lifetime benefits in recognition of service to the state. Employees, other than temporaries, who are 30 years of age and have two years of continuous service must participate in the plan. Any employee who has attained the age of 20 and has a total of twelve months of service may elect voluntary participation. As a member of the Retirement System, employees contribute 4.33% of their salary. When the contribution reaches \$864.00 for the year, the contribution rate increases to 4.8%. The state matches the contribution at 156%. The benefits under the plan are in addition to any supplemental benefits received from Social Security.

Deferred Compensation

A deferred compensation plan is available to permanent state employees. Under the provision of this voluntary supplemental retirement plan, employees may request the state to defer payment of a portion of their income to a later date. The taxes normally due now on the money are deferred until retirement when most participants would be in a lower tax bracket. The deferred income is invested at the direction of the participant in a fixed stock, bond, money market or several other available investment options. Any investment gains remain in the annuity account and are not reportable for federal or state income tax purposes.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The state offers confidential short-term counseling and referral services through a statewide employee assistance program (EAP). All permanent employees and their dependent family members or family members residing with them may receive assistance in dealing with issues such as stress, chemical dependency, emotional difficulties, marital complications, and difficulties at work. Initial visits with the EAP are covered at no cost to the employee. Fees for services beyond and outside of the EAP contract are the responsibility of the employee.

CHAPTER VII. BENEFITS

The office hours of the EAP are flexible so you are encouraged to make appointments during non-work time. If you need to make the appointment during your work schedule you will be allowed to use your Sick Leave.

The EAP is also available to supervisors when working with an employee who has unsatisfactory job performance, attendance or other issues. If your supervisor refers you to the EAP, any information you share with the counselor will be kept confidential unless you sign a release.

WORKER'S COMPENSATION

Employees who sustained a job related disease or injury deemed compensable by Worker's Compensation may be granted injury leave not to exceed five of the employee's normal working shifts for any particular injury. A working shift is counted even if an employee is absent for any portion of their assigned shift. Until the injury or disease is deemed compensable, employees must use available leave to cover the time absent. Once the injury or disease is deemed compensable, the employee's leave balance will be restored and injury leave will instead be changed for the first five working shifts

TRAINING AND TUITION ASSISTANCE

System Tuition Assistance Policy

Employees of the HHS System are eligible for tuition assistance on a first-come, first-served basis, (per semester) within existing HHS System allocated funds, under the following guidelines:

Tuition - shall mean the expenses required for tuition costs only. Expenses paid for fees, books and other expenses are not considered a part of tuition.

Employee - for purposes of this policy employee shall mean permanent in status, either full or part-time, excluding temporary, original probation or employees serving disciplinary probation.

Passing grade - for purposes of this policy a passing grade will be a "C" or better for an undergraduate course, a "B" or better for a graduate course, or a pass in a pass/fail situation.

Operational definitions for the course categories that can be approved at 75% are: Career related - shall mean any course taken which has direct relationship to a declared career- path within HHS System. Job-related shall mean any course taken that has direct relationship to the position the employee currently occupies.

CHAPTER VII. BENEFITS

Operational definition for the course category that can be approved at 50% are: Those courses required to attain a degree, but which are not specifically job-related or career-field related. (While working on a degree, courses taken directly related to one's job or a career field in the HHS System shall be considered in the categories defined in 002.05A4.)

Application Process

When an employee applies for tuition assistance s/he must complete a Tuition Assistance Request form attach a current class/course description, indicate the appropriate category for this course on the application, and submit it to his/her Immediate supervisor for approval or denial within sixty (60) days prior to the beginning of the course. Additional levels of review are at the agency's discretion. Applications will be logged in a centralized data base and summary reports of all applications (both approved and denied) shall be made available at the agency director's request. Each agency will define a process for applications to ensure that request from employees are reviewed in a good faith effort. Agreements made regarding work scheduling will be noted on the request form. Decisions to deny tuition assistance are final and non-grievable.

Tuition assistance requests that are approved may be paid at the rate of 50% or 75% depending on the applicable definition detailed in 002.05A and 002.05A5. Tuition assistance requests that are approved will be based on the actual attended accredited institution's current tuition cost not to exceed a maximum of up to 150% per credit hour of University of Nebraska–Lincoln (UNL) rate for graduate and undergraduate courses respectively. Prescribed maximum dollar per credit hour will be considered on a biennial basis.

Full time employees will receive full percentages of assistance as indicated. Part-time employees will receive pro-rated amounts based upon a percentage of their allocated FTE.

If the employee is eligible for tuition assistance through any other public or private source, that will be noted by the employee on the Tuition Assistance Request form. The tuition assistance percentages outlined above will be applied to the remaining tuition cost. No employee will receive more than 100% of their course work reimbursed.

A maximum of up to 18 credit hours per fiscal year per employee may be approved, depending on funding availability, with applications only considered for approval if received within 60 days of the starting date of the course. Employees will note the number of credit hours on the Tuition Assistance Request form.

Tuition Assistance Request forms will be available through the HHS System mailroom, local Human Resources offices and the Tuition Assistance Coordinator, Human Resources & Development.

Procedure for Reimbursement

When the employee has completed the course with a passing grade, they will submit an Expense Reimbursement Document for payment of the tuition costs. Attached to this document shall be copies of an itemized receipt for the tuition paid, grade report indicating a passing grade, and a copy of the prior approved Tuition Assistance Request form.

CHAPTER VII. BENEFITS

Employees should apply for their reimbursement as soon as the course is completed, however they must apply for reimbursement no later than 90 calendar days after the course is completed. Masters level classes are subject to income tax and the amount of reimbursement will be added to the employees W-2 form.

Failure to complete a course or receiving a less than passing grade, as defined above, voids the Tuition Assistance Request and its approval.

CREDIT UNION

State employees, other than temporary, are eligible to join the Nebraska State Employees Credit Union (Credit Union). The Credit Union is a cooperative savings and loan association providing you an opportunity to save regularly through payroll deductions. Credit Union members are eligible to borrow money for approved reasons at a reasonable rate of interest. Share draft accounts, which enable an employee to write "checks" on a savings account, are also available, as are traveler's checks and a number of other services.

The Credit Union has four offices to serve you. They are located at:

330 South 16th Street, Lincoln, (402) 471-2561

Beatrice State Developmental Center, 3000 East Lincoln Boulevard, Beatrice (402) 223-7542

1715 North Bell, Fremont (402) 727-3295

Omaha State Office Building, 1313 Farnam, Omaha, (402) 595-2801

CHAPTER VIII. EXPENSE REIMBURSEMENT

EXPENSE REIMBURSEMENT

Reimbursements will be made only for travel or other actual expenses strictly essential to the transaction of official business. *(Refer to the Nebraska Accounting System (NAS) Manual, Website: www.das.state.ne.us/accounting the HHS System Human Resources Policies and Procedures Manual and/or the HHS System Accounting Unit for more information.)*

Per Nebraska State Statute 81-1174, whenever a state employee, board member, contractor or other individual is entitled to reimbursement for expenses incurred in the line of duty, reimbursement requests are to be made at least monthly.

When all or a portion of the employee's travel cost will be paid by the federal government or another third party, the preferred billing arrangement is for the employee to bill those costs directly to the third party and not claim reimbursement from the agency.

When the preferred billing arrangement is not possible, the Out-of-State Travel Authorization and employee reimbursement request must clearly indicate all or a portion of the costs will be reimbursed and from what source. In this billing arrangement it is the employee's responsibility to ensure reimbursement is received and forwarded to Accounting for deposit.

MILEAGE

When you are required to travel on HHS System business, the most economical method of transportation should be used. Whenever possible, state vehicles should be used. If you are required to use your personal vehicle, you will be reimbursed at 34.5 cents (1/1/01) per mile or the most current rate established by the NAS's Manual, Website: www.das.state.ne.us/accounting and/or any certified collective bargaining unit.

If you are requested to report to a different work site in your headquarters city, and you do not report to your permanent work site first, there is no mileage reimbursement regardless of the difference in miles (positive or negative). If an employee is requested to travel to a location after reporting to their permanent work location and a state car is not available, exact mileage is reimbursable.

LODGING

A HHS System employee will be reimbursed for the reasonable and necessary lodging expense incurred when the employee is required to stay away from home overnight. The absence must be of such a duration that the employee cannot reasonably leave and return to that location before and after each day's work. The NAS manual policy states a person must be more than 60 miles from his or her workplace in order to be eligible for lodging. Exceptions to this policy such as medical conditions or weather are allowed. However, exceptions must be approved in advance and clearly stated on the employee's Expense Reimbursement Document. Government rates shall be requested.

CHAPTER VIII. EXPENSE REIMBURSEMENT

The NAS Manual's current guideline is \$55 per night for in-state travel, and the lowest reasonable rate when traveling out-of-state. Employees are encouraged to use the government rate whenever possible. Only the actual expense is reimbursable and receipts must be provided.

Direct billing to the HHS System by in-state or out-of-state lodging is permitted if approved in advance.

MEALS

Employees traveling on State business shall claim only actual amounts paid for meals, tips and taxes as long as the actual amounts are reasonable. The Policy Cabinet has determined that amounts for meals established by the federal Government should be used as a guideline. These amounts are displayed on the U.S. General Services Administration website at <http://www.policyworks.gov/perdiem> (select 2001 Domestic Per Diem Rates; select the State; or select Download Per Diem listing to view or print the entire list).

Receipts are not required to be submitted for reimbursement; however the employee is required to maintain supporting documentation either in the form of a log, account book or diary or actual meal receipts. The employee must produce the supporting documentation upon request. Supporting documentation must be maintained for a period of five years. The employee may decide to attach the supporting documentation to the reimbursement request at which point the agency would be responsible for maintaining supporting documentation. The log, account book or diary must be kept in sufficient detail to list each separate expense by date and must contain the name of restaurant and date and amount of expense.

No reimbursement may be made for alcoholic beverages.

OVERNIGHT TRAVEL MEALS

Overnight travel meals may be reimbursed as follows:

Breakfast When an employee leaves for overnight travel at or before 6:30 a.m., the morning meal may be reimbursed.

Lunch When an employee leaves for overnight travel at or before 11:00 a.m., or returns from overnight travel at or after 2:00 p.m., the noon meal may be reimbursed.

Dinner When an employee returns from overnight travel at or after 7:00 p.m., the evening meal may be reimbursed.

CHAPTER VIII. EXPENSE REIMBURSEMENT

ONE DAY TRAVEL MEALS

One day travel meals may be reimbursed to the employee incurring the expenses as follows:

Breakfast When an employee leaves for one day travel at or before 6:30 a.m. or 1-1/2 hours before the employee's shift begins, whichever is earlier, the morning meal may be reimbursed.

Lunch Noon meals for one day travel are not reimbursable.

Dinner When an employee returns from one day travel at or after 7:00 p.m. or 2 hours after the employee's shift ends, whichever is later, the evening meal may be reimbursed.

Note: The time limitations set forth in this policy do not include the time taken for the meal.

STATE EMPLOYEES EXPENSES WHILE NOT IN A TRAVEL STATUS

Payments for meals, beverages or snack are allowed only for attendance at official functions, conferences or hearings when a state employee is not in a travel status.

The agency director must pre-authorize the meal, snack or beverage in writing or sign the reimbursement or disbursement request. The reimbursement or disbursement request must include the following information:

1. Agency director pre-authorization or signature on request;
2. A list of state employees attending the conference, official function or hearing that were provided meals, beverages or snacks;
3. List from #2 must indicate each employee's headquarter city.

CHAPTER VIII. EXPENSE REIMBURSEMENT

EXPENSE REIMBURSEMENT DOCUMENT (ERD) PREPARATION (DAS-02-24)

Purpose: To request payment and to provide details and supporting documentation for an employee's, contractor's or other individual's reimbursable expenses incurred in the line of duty for the state of Nebraska. Per Nebraska State Statute 81-1174, reimbursement requests are to be made at least monthly.

1. SSN/FTIN AND TYPE CODE: Enter Social Security Number and type code of person claiming reimbursement. Employees use **type code 3** and non-employees, including temporary employees, use **type code 2**. (Example: 123-45-6789-3)
 - ◇ Do not use a zero (0) before the type code as this could cause data entry problems.
 - ◇ Enter the type code in the designated box following the Social Security Number.
 - ◇ Do not staple through this number when attaching supporting documents.
2. NAME: Enter name of person claiming reimbursement. Not to exceed 30 characters including spaces. Note: Make sure name and social security number are legible, either printed or typed. The name and address on the warrant is typed from this information.
3. ADDRESS: Enter home address, not to exceed 25 characters per line.
4. CITY-STATE-ZIP CODE: Self-explanatory. The abbreviation for Nebraska is NE.
5. TITLE: Enter Job Title.
6. HEADQUARTER CITY: Employee only. Enter name of city where your place of employment is located, i.e., Hastings Regional Center. Mileage is to be computed from this point.
7. AUTO OWNER/LICENSE NUMBER: If the vehicle was provided by the employee, enter "self" and auto license number; if a state vehicle was used, enter "state" and auto license number; or if a personal and state vehicle were both used on the same document, enter information for both vehicles.
8. AGENCY/DIVISION: Enter:
 - ◇ HHS System Finance & Support OR Health and Human Services OR Regulations & Licensure
 - ◇ Office Location (An address is not needed.)
 - ◇ Date the document is prepared.
9. WARRANT FLAG: Accounting use only.
10. DOCUMENT NUMBER: Accounting use only.
11. TRANSPORTATION DOCUMENT NO./LODGING DOCUMENT NO./PAY DATE: Accounting use only.
12. PAYEE REFERENCE: Accounting use only.
13. DATE: Enter year. Enter date expense was incurred. Each date an expense was incurred is to be entered on a separate line.
14. PARTICULARS: Enter the services provided; i.e., "home visit," "staff meeting," "utilization review," etc. For travel, include point of origin, destination and purpose of trip/travel, listing each day separately. Identify if the travel was for Training purposes. The destination and reason must be shown for the document to be processed.
 - ◇ If all mileage is within the headquarter city, enter "local" and the purpose of the trip. Do not use unclear abbreviations.
 - ◇ If mileage is in the rural area outside of the headquarter city enter "_____ area" and the purpose of the trip. Example: "Hastings area - home visits."

CHAPTER VIII. EXPENSE REIMBURSEMENT

- ◇ If mileage is to another town enter “name of town and return.” Example with Hastings as headquarter city: “Juniata and return - transport state ward.”
- ◇ When an overnight stay is involved, each date should be listed on a separate line. It may be necessary to use more than one line in order to enter the necessary information for each day. An example with Hastings as the Headquarter city:
 - Line 1: Hastings to Kearney
 - Line 2: Food Stamp Training
 - Line 3: Kearney to Hastings
- 15. TIME: Enter the actual time travel began and ended. Use of the 24-hour clock eliminates use of AM and PM. Example: 8:20 a.m. is 0820, 2:15 p.m. is 1415.
 - ◇ Started: The time the trip began. Stopped: The time the return trip was completed.
 - ◇ When more than one trip is involved in a day, the start time would be the start of the first trip and stopped time would be the completion of the last trip.
 - ◇ When an overnight stay is involved it is necessary to enter only the start time on the day of departure and return time on the day of return, not each daily schedule in-between.
- 16. MEALS: Enter the actual cost of meals by day, including tax and tips not to exceed the Department’s guidelines. These meals are for only the person claiming reimbursement. Total the column.
- 17. LODGING: Enter the actual cost of lodging, including tax. Attach the **original** lodging receipt to the document. Each day’s lodging expense is to be entered for the day the expense was incurred.
 - ◇ Enter “DB” if lodging has been direct billed to the agency. Please note hotel/motel where lodging occurred. Do not attach the “Direct Billing Authorization” (DBA) form to the ERD. See DBA processing instructions at the end of this section.
 - ◇ If lodging has been with a friend or relative at no cost to the state enter the word “private.”
 - ◇ If any meals are claimed relating to overnight stay there must be an entry in the lodging column, i.e., actual cost, DB or private.
 - ◇ Each employee should receive and submit a receipt for their own lodging even if a room is shared or paid for by another state employee.
 - ◇ Total the column.
 - ◇ Telephone calls and/or meals are to be paid by the employee then included on the ERD rather than charged to the lodging bill.
- 18. TRANSPORTATION:
 - ◇ Rate: Enter mileage rate not to exceed guidelines. It is permissible to enter the rate in first line and ditto marks thereafter.
 - ◇ Miles: Actual miles traveled calculated from the odometer, rounded to the nearest whole mile. Total the column.
 - ◇ Amount: Enter the rate times miles. Total the column.
 - ◇ If airfare was paid by the employee and reimbursement is claimed it should be entered in the Miscellaneous column with original receipt attached. All out-of-state travel requires pre-approval. The Out-of-State Travel Authorization form must be attached to the ERD.
 - ◇ When an employee rides with another employee to a meeting, etc., and no mileage is claimed but other expenses are claimed, enter “rode with _____.”

CHAPTER VIII. EXPENSE REIMBURSEMENT

19. MISCELLANEOUS: Enter any allowable miscellaneous expenses for which reimbursement is being claimed, i.e., registration fees, postage, business phone calls, small emergency office supplies, state ward expenses (including meals), or tuition. List different types of miscellaneous expenses separately for each day as they may be coded differently.
- ◇ Description: Enter item of expense.
 - ◇ Amount: Enter amount of expense. Column must be totaled. Original receipts are required as support for all expenditures except employee in-state meals and immaterial items such as parking, tolls, intra-city bus fares, local business telephone calls, baggage handling, tips and taxi fares. Claims for state ward expenses must include ward's name or Social Security Number.
20. TOTAL: The individual claiming reimbursement is responsible for the accuracy of all entries.
- ◇ Enter total of each line across.
 - ◇ Enter column total.
 - ◇ Verify all column totals with the final column total.
21. TRANSACTION CODING/AMOUNT: Accounting use only.
22. ENCUMBRANCE LIQUIDATION/AMOUNT: Accounting use only.
23. REIMBURSEMENT TO:
- ◇ Person claiming reimbursement must sign and date. No one else may sign for you.
 - ◇ If other than an employee, enter an "X" in "Independent Contractor" or "Other" box as applicable.
24. DIVISION APPROVAL: Original signature of division, facility, services area, or local office administrator or person designated by the Administrator to approve reimbursement of expenses. This person is responsible for the accuracy of information on the document. Example: the correct meal allowance corresponding with travel time, times are filled in, location and reason are present, etc. Employees are not authorized to approve their own expense documents.
25. AUTHORIZED AGENT SIGNATURE: Same as 24.
26. GENERAL INSTRUCTIONS
- ◇ The goldenrod copy is the employee's personal copy. Keep this copy for your records. Send the white, canary and pink copies, along with original receipts attached, to Accounting for payment.
 - ◇ The last entry on the Expense Reimbursement Document must always end in the headquarter city even though the trip carries over into the next month, i.e., complete the trip expenses on one claim.
 - ◇ Expense reimbursement documents should be submitted monthly. Due to the volume of documents it is advisable to submit these documents as soon as possible after the end of the month. Those employees who do not regularly travel as part of their jobs (special training, meetings, etc.) may submit upon completion of their trip, but not more than twice per month.
 - ◇ When claiming reimbursement for more than one month at a time, do not complete a separate expense document for each month except when the months cross the end of the state fiscal year, i.e., June and July. When submitting a large number of expense claims (either more than one month or just many entries for a month), use the Expense Reimbursement Attachment form (DAS-02-10) rather than several separate documents. Separate documents would each generate a warrant and this is not necessary.

CHAPTER VIII. EXPENSE REIMBURSEMENT

- If additional pages are needed, write “continued” or “see attached” on the last full line of page one and use the Expense Reimbursement Attachment form.
- Complete the heading on each succeeding page.
- Carry all totals to the last page only. A “brought forward” amount or sub-total is not needed on each page.
- The employee signature and division approval are needed only on the last page.

ERD payments will be direct deposited into the employees bank account used for payroll purposes if the employee is signed up for payroll direct deposit. If the employee does not want payment to be direct deposited, the word “MAIL” must be written on the top of the ERD in large letters.

No deposit notification is generated from the accounting system per decision by the Department of Administrative Services. If payment has not been received within 14 days after submission of the ERD for processing, the employee may contact the respective accounting office to check on the status.

Direct Billing Authorization (DBA Form (FA-21)

This form is utilized whenever employees wish to direct bill in-state or out-of-state lodging charges. The form is to be completed prior to travel and the yellow copy presented to the hotel/motel upon arrival. The white copy, which authorizes payment of the hotel/motel invoice, is to be forwarded to Accounting upon approval. The pink copy is to be retained by the employee. Do not attach Accounting’s copy to the employee’s ERD.

Out of State Travel Authorization Form (FA-800)

This form is utilized to obtain authorization for an employee to travel outside of Nebraska. The form is to be completed prior to travel. The white copy is to be forwarded to Accounting upon approval. The yellow copy is to be attached to the employee’s ERD. The pink copy is for the approving area and the goldenrod copy for the employee.

Determination of ‘Reasonable’ Work Related Expenses

HHSS administrators are authorized to determine in the first instance whether a work related expense submitted for reimbursement is ‘reasonable’. If a requested expense reimbursement (submitted by an HHSS employee, statutory board member, volunteer, contractor, etc.) is deemed unreasonable, the individual submitting the request may appeal the decision to the appropriate service area administrator, facility CEO, or division administrator. Any determination at this level is binding, with no further remedy or recourse.

Administrators are granted flexibility in exercising their best judgment concerning whether an expense is reasonable. However, administrators are required to reach their determination on a sound basis, including:

- At or near IRS guidelines;
- At or near the government rate in the community for lodging; and
- Past experience, sound precedent, or particular familiarity with the circumstances/facts surrounding the requested reimbursement.

CHAPTER VIII. EXPENSE REIMBURSEMENT

It is the responsibility of the administrator to inform the submitting party when a requested expense reimbursement is deemed unreasonable

CHAPTER IX. TYPES OF LEAVE

HOLIDAYS

Full-time employees receive eight hours of Holiday Leave with pay for 12 holidays each year. Part-time employees earn holiday leave in a prorated amount.

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Arbor Day	Last Friday in April
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Day	December 25

Employees must be in a pay status on the workday immediately preceding and the workday immediately following an observed holiday in order to receive compensation for that day. When a holiday falls on the first day of an employee's weekend, it shall be observed on the preceding day. When a holiday falls on the last day of an employee's weekend, it shall be observed on the following day. Temporary employees are not eligible for holiday leave with pay. Because of coverage issues, you may be requested to work on a holiday.

VACATION LEAVE

All permanent employees earn paid vacation time. Part-time employees earn vacation leave in a prorated amount. Earning of vacation leave begins immediately upon employment and it may be applied as soon as it is earned, subject to the provisions of the remainder of this section. Full-time employees, other than temporary, earn vacation leave according to the following schedule:

1st year through 5th year	96 hours	12 days
6th year	120 hours	15 days
7th year	128 hours	16 days
8th year	136 hours	17 days
9th year	144 hours	18 days
10th year	152 hours	19 days
11th year	160 hours	20 days
12th year	168 hours	21 days
13th year	176 hours	22 days
14th year	184 hours	23 days
15th year	192 hours	24 days
16th year and more	200 hours	25 days

CHAPTER IX. TYPES OF LEAVE

Scheduling Vacation Leave

Employees should apply for vacation leave in advance and in accordance with procedures in the NAPE/AFSCME Labor Contract. Vacation leave may be used only when approved by the agency head or designee (in most cases your supervisor). Vacation leave may not be unreasonably denied or deferred so that the employee is deprived of vacation rights. Vacation leave will not be advanced beyond what the employee has accumulated.

Vacation Leave Adjustments

All employee's accumulated vacation time in excess of thirty-five days shall be forfeited as of December 31st of each calendar year.

Vacation Leave Payment

Employees who leave state government employment for any reason shall be paid for any unused accumulated vacation leave earned, calculated on their base hourly rate. Employees who are separating from state service shall not use vacation leave for their last day(s) of work.

Should an employee require hospitalization while on vacation, vacation leave shall be changed to sick leave, effective the date of hospitalization, upon application to the employee's immediate supervisor outside the bargaining unit. Upon such application employees may be required to furnish proof of hospitalization. Further, vacation leave may, if approved by the agency head, be changed to sick leave upon submission of a physician's statement substantiating and verifying treatment of the employee.

SICK LEAVE

All employees except temporaries earn sick leave. Part-time employees earn sick leave in a prorated amount. Earning of sick leave begins immediately upon employment, and sick leave may be requested as soon as it is earned, subject to the provisions of this chapter.

Full time employees covered by the Classified Personnel System Rules and Regulations earn sick leave according to the following schedule:

1st year through 5th year	96 hours	12 days
6th year	136 hours	17 days
7th year	144 hours	18 days
8th year	152 hours	19 days
9th year	160 hours	20 days
10th year	168 hours	21 days
11th year	176 hours	22 days
12th year	184 hours	23 days
13th year	192 hours	24 days
14th year	200 hours	25 days
15th year	208 hours	26 days
16th year	216 hours	27 days
17th year	224 hours	28 days
18th year	232 hours	29 days
19th year and more	240 hours	30 days
Maximum Accrual	1440 hours	180 days

CHAPTER IX. TYPES OF LEAVE

Full-time employees, in all bargaining units, except the “E” Bargaining Unit, earn sick leave according to the following schedule:

1st year through 5th year	96 hours	12 days
6th year through 15 th year	112 hours	14 days
16th year and more	144 hours	18 days

Full-time employees in the “E” Bargaining Unit earn 13.5 days of sick leave each year of employment.

Conditions for Using Sick Leave

The following conditions are the only valid reasons sick leave may be used:

- ◇ When an employee is unable to perform his/her duties because of sickness, disability or injury. Pregnancy, post-natal recovery and miscarriage shall be considered temporary disabilities.
- ◇ When an employee obtains medical, surgical, dental or optical examinations or treatment.
- ◇ When an employee’s presence at work jeopardizes the health of others by exposing them to a contagious disease.
- ◇ When the illness, disability or injury of an immediate family member demands the employee’s presence. The immediate family shall be considered as: spouse, children, and parents. At the agency head’s discretion, the definition of immediate family may be broadened. Employees may use vacation time for care of family members when their presence is helpful, but not essential, if approved by the agency head.

Request for Sick Leave

Sick leave shall be requested in advance when possible. In the case of illness, injury, emergency or any other absence not approved in advance, the employee shall inform the supervisor of the circumstances as soon as possible. For sick leave approval, employees must directly contact their immediate supervisor. An employee may be required to submit substantiating evidence when the reason for the leave request was a medical or dental appointment or when the agency head suspects sick leave abuse. In the HHS System, if the sick leave absence is five work days or longer, substantiating medical documentation will be required.

Sick leave shall be denied when the supervisor has facts showing that the employee is abusing sick leave. Sick leave shall not be used as vacation leave. The HHS System will consider sick leave abuse as a possibility when:

- ◇ An employee does not remain at home when sick. Exceptions would be trips out of the home for medical purposes or a pre-arrangement with your supervisor to go to an area other than your home for purposes of convalescence.
- ◇ Use of sick leave, in small increments, on a routine basis, leaving the employee with no significant balances.
- ◇ Use of sick leave routinely in conjunction with a weekend or holiday. A noticeable pattern in this case will be significant.

CHAPTER IX. TYPES OF LEAVE

Check with your immediate supervisor for specific call in requirements when you are unable to report to work because of medical reasons.

Sick Leave Advancement

Permanent employees, other than those on original probation, in the HHS System may be advanced up to a maximum of 40 hours of sick leave. At the agency head's discretion additional sick leave may be advanced before the previously advanced sick leave has been repaid in full by the employee. Requests for advancement of sick leave shall be submitted in writing to the immediate supervisor, or designee, specifying the medical reason for the advancement and the number of hours requested. Substantiating medical documentation may be required.

Balancing of Sick Leave

The sick leave account of each employee covered by the Classified Personnel System Rules and Regulations shall be balanced to a maximum of 1440 hours on December 31 of each year. Sick leave may be accumulated in excess of 1440 hours during a year, but the excess shall be forfeited when balanced.

Sick Leave Forfeiture or Payment Upon Separation

Employees covered by the Classified Personnel System Rules and Regulations will be paid one-quarter of their accumulated sick leave:

- ◇ when they leave state employment at age 55 or older or;
- ◇ when they leave state employment before they reach age 55 but meet all criteria established by the State Retirement System necessary to retire or;
- ◇ at death

Employees covered by the NAPE/AFSCME Labor Contract will be paid one-quarter of their accumulated sick leave up to a maximum of 50 days under the same conditions noted above.

Employees who leave state employment under any other circumstances forfeit any accumulated sick leave.

Sick Leave Reinstatement

Employees returning to work on or after July 1, 2001, after a break in service of less than five calendar years shall have their accumulated unpaid sick leave balance reinstated. Any employee who has retired and was paid one quarter of his/her previous sick leave balance shall not have any sick leave reinstated and shall not be credited with past service for sick leave purposes.

INJURY LEAVE

Employees who sustained a job related disease or injury deemed compensable by Worker's Compensation may be granted injury leave not to exceed five of the employee's normal working shifts for any particular injury. A working shift is counted even if an employee is absent for any portion of their assigned shift. Until the injury or disease is deemed compensable, employees must use available leave to cover the time absent. Once the injury or disease is deemed compensable, the employee's leave balance will be restored and injury leave will instead be changed for the first five working shifts.

CHAPTER IX. TYPES OF LEAVE

- a. Any job related injury or disease shall be reported to the proper agency authority as soon as possible and the agency shall have the responsibility to supply all the necessary information to the Office of Risk Management.
- b. No employee shall receive a salary (workers' compensation plus regular pay) in excess of his or her normal wage.
- c. Health insurance with the appropriate employer contribution will be paid during an absence under workers' compensation after all accrued leave and compensatory time has been depleted.

BEREAVEMENT LEAVE

Up to five days bereavement leave may be granted to you for a death in your immediate family. For purposes of this section, immediate family shall mean spouse, father, mother, grandfather, grandmother, sister, brother, child, grandchild, spouse of any of these, or someone who bears a similar relationship to the spouse of the employee. Step-persons bearing these relationships are included. At the agency head's discretion, the definition of immediate family may be expanded to include other individuals with a similar personal relationship to the employee as that of an immediate family member.

MILITARY LEAVE

State employees, including temporary, who are members of the Nebraska National Guard or any other reserve component who perform their military obligation by participating for 15 workdays or less in annual training and instruction prescribed by Section 55-160 R.R.S., Nebraska 1943 or by federal regulation, when such training is performed pursuant to orders or authorization of competent authority, shall be entitled to receive their full state pay in addition to their military pay without using any accumulated leave time. Such orders shall be from the Adjutant General's office of the Nebraska National Guard or from a reserve component that has specific authority to issue military orders.

The above mentioned 15 leave days are permitted only for annual training exercises, or active duty assignments and shall not be used for weekend drills. Employees who are members of the Reserve or National Guard and whose normal workweek includes the weekend must be allowed to attend weekend drills.

CIVIL LEAVE

All employees, including temporary, shall be eligible for paid civil leave under the following conditions:

Jury Duty

If an employee is called to serve as a juror, s/he shall be entitled to paid civil leave in addition to jury duty pay. Employees will return to work each day when not actually serving as a juror.

CHAPTER IX. TYPES OF LEAVE

Election Board Duty

If an employee is appointed as a clerk, judge or election inspector on an election or counting board, s/he shall be entitled to paid civil leave in addition to pay for this service.

Voting Time

All employees shall be given up to two hours for the purpose of voting provided the employee does not have sufficient time before or after regular duty hours to vote. The two hours authorized for voting does not apply to those employees who by reasons of their employment must vote by use of an absentee ballot.

Court Appearances

Time spent by employees appearing in court as a function of their job shall be considered as hours worked. All witness fees and reimbursements received, as a result of these court appearances shall be returned to the state.

Employees attending court as a plaintiff, defendant or witness on non-work related matters, may use vacation leave or earned compensatory time. In the event the employee is subpoenaed for non-work related matters and does not have vacation leave or compensatory time, the agency head shall grant a leave of absence. Any witness fees paid to the employee for these court appearances shall be kept by the employee.

Disaster Relief Volunteer

Employees who provide proof of their disaster relief volunteer certification with the American Red Cross, may, with the appropriate supervisory authorization, be granted paid civil leave not to exceed fifteen working days in each calendar year to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross.

LEAVE OF ABSENCE

Agency heads may grant employees (including temporary) an unpaid leave of absence, not to exceed one year (except for military service and some Worker's Compensation cases), when such absences will not interfere with the best interests of the state. Under unusual circumstances the agency head may extend this time. Written requests for leaves of absence will be considered for such things as temporary disabilities (i.e. leave for maternity), educational purposes, newly adopted children or other uses. Leaves of absence in increments of less than one day shall not be granted to exempt employees in lieu of sick or vacation leave. The agency head's decision is final and non-grievable. The leave of absence, when granted, shall be in writing and detail the employment conditions that will be in effect at the end of the absence.

- ◇ Sick and vacation leave will not accrue during a leave of absence.
- ◇ Sick and vacation leave earned but unused prior to leave of absence will be carried forward upon the employee's return.
- ◇ The employee's service date shall be adjusted for any absences in excess of fourteen consecutive calendar days; except when an employee is still eligible for worker's compensation payments.

CHAPTER IX. TYPES OF LEAVE

FAMILY MEDICAL LEAVE

Family and Medical Leave (FML) is up to 12 weeks off from work for certain types of health care or the birth, adoption, or placement of a child (see “Conditions for Using Family Medical Leave” below.) FML is unpaid unless the employee chooses to use vacation or sick leave. Vacation leave taken for FML purposes will not be deducted from the 12 weeks.

Eligibility

Employees must use accrued compensatory time before using FML. An employee must have at least twelve total months of service and at least 1,250 paid hours of service (as defined under the Fair Labor Standards Act excluding any leave time) in the previous twelve month period to be eligible for Family Medical Leave.

Conditions for Using Family Medical Leave

An employee may use FML for the following reasons:

- ◇ Because of the birth of a child of the employee.
- ◇ Because of the placement of a child with the employee for adoption or foster care.
- ◇ In order to care for the serious health condition of the employee's spouse, child, or parent. Spouse does not include unmarried domestic partners. Child may include adopted children, step-children, foster children, legal wards or children for whom the employee has the day-to-day responsibility of care and financial support. Care for mother-in-law or father-in-law is not included. However, parent may include individuals other than natural or adoptive parents, if they have served in a long-term parental role for the employee.
- ◇ Because of the serious health condition of the employee. Serious health conditions are defined as illness, injury, impairment, or other physical or mental conditions that involve: (1) inpatient care; or (2) continuing treatment by (or under supervision of) a health care provider.

In general, continuing treatment involves a period of incapacity and inability to work due to: a health condition, treatment or recovery that extends for more than three consecutive calendar days; pregnancy or prenatal care; a chronic serious health condition; a condition for which treatment may not be effective; or a period of absence for receiving multiple treatments or surgery. In addition, there must be treatment by a physician, or treatment by a provider of health care services under orders of or supervision by a health care provider.

A chronic serious health condition is defined as one which:

- ◇ Requires periodic visits for treatment by a health care provider, a nurse or physician's assistant under the direct supervision of a health care provider;
- ◇ Continues over an extended period of time, including recurring episodes of a single underlying condition; and
- ◇ May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

CHAPTER IX. TYPES OF LEAVE

A serious health condition does not include cosmetic treatments (such as plastic surgery) unless inpatient hospital care is required or complications develop.

Certification of Serious Health Conditions

An employee requesting to use FML due to a serious health condition must provide certification from a health care provider which must include:

- ◇ The date on which the serious health condition commenced;
- ◇ The probable duration of the condition;
- ◇ Any appropriate medical facts;
- ◇ A statement containing specific information why the employee is needed to care for the child, spouse or parent, or; a statement containing specific information why the employee is unable to perform the function of the job; and
- ◇ If the leave is to be intermittent, a statement containing specific information concerning planned medical treatments, the expected dates and duration of treatment.

Medical Second Opinions

If the agency doubts the validity of the certification it can require a second opinion, at its own expense, from a health care provider designated or approved by the agency. If this opinion conflicts with the opinion in the first certification, the agency and employee can jointly designate a third health care provider to render an opinion, again at the agency's expense. However, this third opinion is final and binding on both the agency and the employee.

Re-certification

The agency may require a new medical certification for an employee on a continuous FML absence every 30 days or any time after the minimum period of incapacity stated in the original certification. The employee must provide the re-certification within 15 calendar days after the agency's request, unless it is not practicable to do so under the particular circumstances of the leave. The re-certification is at the employee's expense unless the agency agrees otherwise.

The employer may not request re-certification more often than every 30 days, or before the minimum duration of incapacity (as stated in the medical certification) has passed, unless one of the following three conditions is met:

- ◇ The employee requests an extension of leave;
- ◇ Circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications, etc.); or
- ◇ The employer receives information that casts doubt upon the continuing validity of the certification.

CHAPTER IX. TYPES OF LEAVE

Notice of Intent to Use Family Medical Leave

If the necessity for FML is based on the birth of a child, placement of child for adoption or foster care, or planned medical treatment of the employee or family member, the employee must give the agency not less than 30 days' notice, unless the birth, placement, or medical treatment requires that leave begin in less than 30 days, in which case the employee must provide notice as soon as practicable. If the need for leave is not foreseeable, an employee should give notice to the employer of the need for FML leave as soon as practicable under the facts and circumstances of the particular case. Notice should be given within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible.

Compensatory Time

At the time when FML is granted, notice must be given to the employee requiring them to provide a certificate of fitness for duty prior to returning to work. Prior to going on unpaid leave time, an employee is required to deplete compensatory time.

Family Medical Leave Duration

Total unpaid leave time taken for FML is limited to twelve weeks within a twelve-month period, starting with the date the employee first uses FML.

Family Medical Leave Not Cumulative

FML cannot be carried forward beyond the twelve-month period and banked for future use.

Incremental Use of Family Medical Leave

FML may be taken in increments with proper medical certification (federal law allows employees not eligible for overtime (exempt employees) to make incremental use of unpaid FML without affecting their "salaried" status).

Health Insurance while on Family Medical Leave

Employer health insurance contributions shall continue during an employee's unpaid FML absence, provided the employee makes his/her required contribution. Employer contributions shall be based as if the employee had continued to work his/her normal schedule.

Family Medical Leave and Worker's Compensation

If an employee requests FML due to an injury or illness qualifying for worker's compensation, the agency will contact DAS Office of Risk Management for coordination of worker's compensation and FML benefits.

Service Date Adjustments

The employee's service date will be adjusted when an unpaid absence due to FML exceeds 14 consecutive calendar days.

Family Medical Leave Denials

DAS State Personnel Division will be notified by the agency of any requests for FML which are denied.

CHAPTER IX. TYPES OF LEAVE

CATASTROPHIC ILLNESS LEAVE DONATION PROGRAM

An employee requesting catastrophic illness leave donations should contact a HHS System Human Resources representative to request information regarding this type of leave. Catastrophic leave will be available only to employees who have exhausted their own paid leave through bona fide serious illness or accident.

Catastrophic illness leave eligibility requires that an employee has an illness or condition that meets the following criteria:

1. Must be suffering a serious illness or injury resulting in a prolonged absence of at least thirty work days during the past six months;
2. produces satisfactory medical verification;
3. has successfully completed original probation;
4. has exhausted all paid leave time;
5. CILD is not designed to supplement Workmen's Compensation payments.

No more than nine months of donated leave may be received by an employee during a twelve-month period.

To ensure consistency within the HHS System in determining whether the illness or condition warrants the use of the Catastrophic Illness Leave Donation Program, the Family Medical Leave Act guidelines will be followed. These include, but are not limited to the following:

- ◇ Inpatient care and subsequent treatment in connection with such care;
- ◇ Continuing treatment by a health care provider which includes a period of incapacity and any subsequent treatment or period of incapacity relating to the same condition;
- ◇ A period of incapacity due to a pregnancy, or for prenatal care.

Employees making donations must complete and sign a donation form for catastrophic illness leave and send the form to their Human Resources representative. Donated leave will be converted to a dollar value and then converted to hours based on the recipient's hourly rate of pay.

Eligibility for donating leave includes:

- ◇ Only whole days, eight hours, may be donated. Employees who work half time may donate in four hour increments; employees who work three-quarter-time may donate in six hour increments; and employees who work ten-hour days may donate in eight hour increments.
- ◇ Only vacation leave may be donated.
- ◇ The donating employee must have at least forty hours of accrued vacation leave left after the donation is received.

CHAPTER X. DISCIPLINARY ACTIONS

DISCIPLINE PROCESS

Permanent employees shall be entitled to written notice of the proposed charges against them which shall identify the rule or policy violated and include an explanation of the agency's evidence against them. The employee shall be entitled to an opportunity to present evidence or reasons why disciplinary action should not be taken. If the opportunity or explanation is in the form of a meeting, the agency shall afford the employee adequate notice as to time, place and purpose of such meeting. Twenty-four hour notice is considered adequate.

TYPES OF DISCIPLINE

The type and extent of disciplinary action shall be governed by the nature, severity and effect of the offense; the type and frequency of previous offenses; the period of time elapsed since a prior offensive act; and consideration of extenuating circumstances. Examples of disciplinary actions that may be taken singularly or in any combination are:

- ◇ Written Warning
- ◇ Disciplinary Probation
- ◇ Suspension
- ◇ Demotion
- ◇ Reduction in Salary Within Salary Grade
- ◇ Dismissal

INVESTIGATORY SUSPENSION

Employees may be suspended for investigatory reasons. Such suspension may be with or without pay as stated in the NAPE/AFSCME Labor Contract, the Classified Personnel System Rules and Regulations or the HHS System Human Resources Policies and Procedures.

REASONS FOR IMPOSING DISCIPLINE

For employees covered by the Classified Personnel System Rules and Regulations appropriate disciplinary action may be taken for any of the following offenses:

- ◇ 001.01 Violation of, or failure to comply with, federal Constitution or law; state Constitution or statute; an executive order; published rules, regulations, policies or procedures of the employing agency or the state of Nebraska Classified Personnel System Rules and Regulations.
- ◇ 001.02 Failure or refusal to comply with a lawful order or to accept a proper assignment from an authorized supervisor.
- ◇ 001.03 Inefficiency, incompetence or negligence in the performance of duties, including falsification, fraud and intentional omission of required information or documents.

CHAPTER X. DISCIPLINARY ACTIONS

- ◇ 001.04 Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcoholic beverage in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs.
- ◇ 001.05 Negligent or improper use of state property, equipment or funds, or conversion of same to one's own use.
- ◇ 001.06 Use of undue influence to gain, or attempt to gain, promotion, leave or favorable assignment for individual benefit or advantage.
- ◇ 001.07 Falsification, fraud or intentional omission of required information on the employment application/resume.
- ◇ 001.08 Unauthorized, improper use or abuse of any type of leave, meal or rest periods.
- ◇ 001.09 Repeated tardiness or unauthorized leave, including unauthorized departure from work area.
- ◇ 001.10 Failure to maintain satisfactory working relationships with the public or other employees.
- ◇ 001.11 Failure to obtain and maintain a current license or certification required by law or agency standards as a condition of employment.
- ◇ 001.12 Conviction of a felony.
- ◇ 001.13 Repeated failure to make reasonable provision for payment of personal debts which results in more than one garnishment except in cases of court ordered child support payments.
- ◇ 001.14 Insubordinate acts or language which seriously hamper the agency's ability to control, manage or function.
- ◇ 001.15 Acts or conduct (on or off the job) which adversely affect the employee's performance and/or the employing agency's performance or function.
- ◇ 001.16 Workplace harassment based, in whole or in part, on race, color, sex, religion, age, disability or national origin, which manifests itself in the form of comments, jokes, printed material and/or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of sexual nature.
- ◇ 001.17 Possession of materials and/or the utterance of comments in the workplace that are derogatory towards a group or individual based upon race, gender, color, religion, disability, age or national origin.
- ◇ 001.18 Possession of firearms or explosives on owned or leased HHS System property, including state vehicles, in personal vehicles on HHS System property or while on official state business, unless authorized by the agency head.
- ◇ 001.19 The use of verbal threats, an object or a weapon which threatens, causes harm or damage.

CHAPTER X. DISCIPLINARY ACTIONS

For employees covered by NAPE/AFSCME Labor Contract appropriate disciplinary action may be taken for any of the following offenses:

- ◇ a. Violation of, or failure to comply with, the NAPE/AFSCME Labor Contract, state Constitution or statute; an executive order; or legally promulgated published rules, regulations, policies or procedures of the employing agency.
- ◇ b. Failure or refusal to comply with a lawful order or to accept a proper assignment from an authorized supervisor.
- ◇ c. Inefficiency, incompetence or gross negligence in the performance of duties.
- ◇ d. Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance not prescribed for the employee by their physician or other licensed health practitioner, or alcoholic beverage in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs.
- ◇ e. Negligent or improper use of state property, equipment or funds, or conversion of same to one's own use.
- ◇ f. Bribery to gain, or attempt to gain, promotion, leave or favorable assignment for individual benefit or advantage.
- ◇ g. Falsification or intentional omission of required information on the employment application/resume.
- ◇ h. Unauthorized use or abuse of any type of leave, meal or rest periods.
- ◇ i. Repeated tardiness or unauthorized leave, including unauthorized departure from work area.
- ◇ j. Failure to maintain appropriate working relationships with the public or other employees, supervisors, or managers while on the job or when performing job related functions.
- ◇ k. Failure to obtain and maintain a current license or certification required by law or agency standards as a condition of employment.
- ◇ l. Conviction of a felony.
- ◇ m. Acts or conduct which adversely affects the employee's performance and/or the employing agency's performance or function.
- ◇ n. Work place harassment based, in whole or in part, on race, color, sex, religion, age, disability or national origin, which manifests itself in the form of unwelcome comments, jokes, printed material and/or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of sexual nature.
- ◇ o. Inappropriate display of materials and/or the utterance of intentionally offensive comments in the workplace that are derogatory towards a group or individual based upon race, gender, color, religion, disability, age or national origin.

CHAPTER XI. INTERNAL COMPLAINT AND GRIEVANCE PROCEDURE

INTERNAL COMPLAINT PROCEDURES

The Health and Human Services System has established an internal complaint procedure to deal with issues that are not grievable and are not covered by the workplace harassment policy. The internal complaint procedure is not intended to address any topic which may be the legitimate subject of a grievance. The HHS System will not process both a grievance and an internal complaint on the same issue at the same time.

In the HHS System non-grievable issues and complaints should be resolved at the lowest level possible. An employee is encouraged to bring concerns directly to his/her immediate supervisor for discussion and resolution. If the employee is not satisfied with a verbal response, the concern may be presented in writing to the supervisor within ten workdays of the event causing the concern. The supervisor will respond in writing within five workdays.

If the employee is not satisfied with his/her supervisor's response, the issue may be presented in writing to the division or facility administrator, within two workdays of receiving the supervisor's response. The administrator shall respond in writing within ten workdays.

If the employee is not satisfied with the administrator's response, the issue may be presented in writing to the agency director, within two workdays of receiving the administrator's response. The director will respond in writing within 15 workdays. The director's decision is final.

Time frames may be extended by mutual agreement of the parties. Failure to meet the timelines by any member of management automatically allows the employee to go on to the next step. If the employee does not forward his/her concern within the specified time frame, the issue is considered resolved.

EMPLOYEE GRIEVANCE PROCEDURES

Eligibility

All employees, other than those on original probation, who occupy a permanent position have grievance rights. Applicants, temporary employees, employees on original probation, and discretionary non-classified employees have no grievance rights.

Grievance Definition

A grievance is a formal written complaint alleging violation involving the interpretation or application of rules promulgated by the DAS State Personnel Division, the HHS System policies or applicable labor contracts. Agency heads shall ensure that every possible effort is made to resolve grievances at the agency level.

CHAPTER XI. INTERNAL COMPLAINT AND GRIEVANCE PROCEDURE

Effect of Grievance on Management Action and Employee Status

Filing of a grievance does not delay the effective date of any management action. Filing of a grievance shall not jeopardize the grievant's position, opportunities for advancement or salary increases. No employee may be coerced by the agency head or by other employees into not proceeding with a grievance or not appearing as a witness at a hearing.

Obtaining Forms

For contract covered employees, grievance forms may be obtained from a union steward or representative. For non-contract covered employees, a grievance form can be obtained by contacting a Human Resources representative.

Grievance Procedure Steps and Time Allowances

A grievance must be filed within 15 workdays of the occurrence of the grieved action (or from the day the employee could reasonably have known about the action). Refer to the HHS System Human Resources Policies and Procedures and/or a current labor contract for further information.

CHAPTER XII. MISCELLANEOUS

CONFLICT OF INTEREST

You may not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of your duties in the public interest.

You are prohibited from using or attempting to use your official position to secure unwarranted privileges or exemptions for yourself or others. You shall not give the impression that any person can improperly influence you in the performance of your official duties, or that you are improperly affected by the kinship, rank, position or influence of any party or person. You shall not accept gifts of value or loans from persons doing business with the state which are intended to or which appear to influence the official relationship between the donor and recipient; and failure to resolve a conflict of interest is subject to disciplinary action.

If you believe you are involved with a conflict of interest, if there is an appearance of conflict of interest or if there is the potential for conflict of interest, you shall give your supervisor a written statement describing the possible conflict of interest. Your written statement may be reviewed by other officials in the HHS System as well as the Nebraska Accountability and Disclosure Commission. You may be removed from some or all of your duties until the conflict of interest is resolved.

OTHER EMPLOYMENT

With prior written notification to your supervisor, you may engage in additional employment or acquire private interest in business, provided such employment or interest does not interfere with the interest of the state, the HHS System or the state statutes.

EMPLOYEE PERSONNEL RECORDS

With prior approval for absence from work, you have the right to review your personnel file. Your review will be monitored by a Human Resources representative. Personnel files are maintained in your Human Resources office.

CHAPTER XII. MISCELLANEOUS

VENDOR SOLICITATION POLICY

The intent of the Vendor Solicitation Policy is to make sure that the state of Nebraska is not endorsing or appearing to endorse or assist a vendor in selling or promoting their product or service.

For the purpose of this policy, a “vendor” is a person, group of people, or organization (whether profit or nonprofit) selling or promoting a product or service for personal use by the employee. These persons who are selling or promoting this product or service shall not contact individual employees during work hours. This does not apply to a vendor selling items to be used in state business (i.e. computers, office equipment, or consultants), who may contact the agency.

Only “state sponsored” vendors that have been selected by the state to provide a product or service to employees will be allowed to use state time and property to distribute information. This type of solicitation will be coordinated through the DAS State Personnel Division. The securing of a payroll deduction through the DAS Accounting Division does not mean a vendor is state sponsored.

CHAPTER XIII. SEPARATIONS

RESIGNATIONS

To resign in good standing you must give a written notice to your supervisor at least ten work days prior to your effective resignation date, unless your supervisor agrees to a shorter period. If your reason for resigning is a retirement and you have contributed to the State Retirement System, contact the State Retirement Office, 6th Floor, Nebraska State Office Building, for benefit information.

JOB ABANDONMENT

An employee may be considered to have abandoned the job if s/he has been absent from work for longer than one workday without being on approved leave. In the HHS System, job abandonment may be cause for disciplinary action.